

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                                |   |                            |
|--------------------------------|---|----------------------------|
| GREATER ST. LOUIS CONSTRUCTION | ) |                            |
| LABORERS WELFARE FUND, et al., | ) |                            |
|                                | ) |                            |
| Plaintiffs,                    | ) |                            |
|                                | ) |                            |
| vs.                            | ) | Case No. 4:13-CV-672 (CEJ) |
|                                | ) |                            |
| MOSAIC CONSTRUCTION SERVICES,  | ) |                            |
| INC.,                          | ) |                            |
|                                | ) |                            |
| Defendant.                     | ) |                            |

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiffs' motion to compel an accounting following an entry of default against defendant Mosaic Construction Services, Inc. Defendant was served with a summons and a copy of the complaint on May 1, 2013, and has not filed an answer or otherwise appeared in this matter. On May 29, 2013, the Clerk of Court entered default against defendant.

Plaintiffs bring this action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1974, as amended, 29 U.S.C. § 185, and Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132. Plaintiffs are four employee benefit plans (the Welfare, Vacation, and Training Funds and Pension Trust), their trustees (collectively, the plans), and Local Union Nos. 42, 53 and 110 of the Laborers International Union of North America (the Union). According to the complaint, defendant failed to submit monthly contributions and has incurred liquidated damages. Plaintiffs move for an order to compel a payroll examination for the period of February 1, 2011 to the present.

Rule 55(b)(2)(A) of the Federal Rules of Civil Procedure allows a court to enter an order compelling an accounting when necessary to enter or effectuate a judgment.

In the present case, the plaintiffs cannot determine the full amount of unpaid contributions and liquidated damages that are owed to them without conducting an audit of the defendant's books and records for the period from February 1, 2011 through the present. The information obtained through the audit is necessary to enable the Court to enter judgment in the correct amount and, therefore, the plaintiffs' motion will be granted.


Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion for a default order to compel an accounting [Doc. #4] is granted.

**IT IS FURTHER ORDERED** that, not later than **August 9, 2013**, defendant Mosaic Construction Services, Inc., shall produce for inspection by plaintiffs all books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to employees of Mosaic Construction Services, Inc., for the period beginning February 1, 2011, through the present.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall mail a copy of this order to defendant Mosaic Construction Services, Inc., at the following address:

Mosaic Construction Services, Inc.  
1736 Flint Hill Park Lane  
Wentzville, MO 63385

  
\_\_\_\_\_  
CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 10th day of June, 2013.